58 Cal. 400. While this assumption is supported by *Bond v. Worley*, 26 Mo. 254; *Ex parte Boyd*, 105 U. S. 657; and *Rindskopf v. Platto* (C. C.) 29 Fed. 312, the great weight of authority is to the contrary, *Wood v. Hudson*, 96 Ala. 469; *Grimes v. Hilliary*, 38 Ill. App. 246; *Union Passenger R. R. Co. v. Mayor*, 71 Md. 238; *Elliston v. Hughes*, 1 Head. (Tenn.) 227.

EVIDENCE—EXPERT TESTIMONY—REMAINDERS.—RICARDS V. SAFE DEPOSIT AND TRUST CO., 55 ATL. 384 (MD.).—*Held*, incompetent to prove by medical testimony that a married woman 53 years of age was incapable of child-bearing for the purpose of defeating an estate in remainder.

There are some early English cases which upheld a presumption that a woman of advanced age was incapable of bearing a child. The more modern English cases have not adopted this presumption. *In re Dawson*, L. R. 39 Ch. Div. 155; *In re Sayers Trusts.*, L. R. Exch. 319. No case can be found in the American courts in which such a presumption has been given effect. *Lawson on Presumptive Evidence*, p. 302. If a physician may testify that because of a physical degeneracy a woman is incapable of bearing children so that a trust created for her benefit, during her life only, may be brought to an end and the vesting of a remainder may be defeated, no one can foretell to what lengths such a precedent would lead. The court holding this to be a case of first impression acted cautiously and with due consideration of the demoralizing consequences that might follow its decision.

INHERITANCE TAX—VALIDITY—CONSTITUTIONAL LAW—PRIVILEGES AND IMMUNITIES—UNCONSTITUTIONALITY OF STATUTE.—IN RE JOHNSON'S ESTATE, 139 CAL. 532.—A statute imposing a tax on property passing by will "other than to the use of father, mother, husband, wife, lawful issue, brother or sister," was amended to include "nieces and nephews, when a resident of this State." *Held*, not void as in conflict with the constitutional provision declaring that citizens of each State shall be entitled to privileges and immunities of the several States. Beatty, C.J., *dissenting*.

Overruling *Estate of Mahoney*, 133 Cal. 180, which finds authority in *Spraigue v. Thompson*, 118 U. S. 90, and which strikes out the amending clause as unconstitutional. Although the unconstitutionality of laws imposing a special tax discriminating against non-residents is clear; *Cullman v. Arndt*, 125 Ala. 581; and a court, if possible, construes, where an exemption is claimed, in favor of the tax and against the exemption; *R. R. Co. v. Grand Rapids*, 102 Mich. 374; nevertheless, by the great weight of authority, beginning with *Campbell v. Morris*, 3 Har. & M. (Md.) 554, the courts have held privileges granted by a State to its citizens to be extended to citizens of the several States. *Sprague v. Fletcher*, 64 Vt. 69; *The Slaughter House Case*, 16 Wall. 36.

INFANCY—WAGES OF SON—RIGHTS OF CREDITORS OF FATHER.—WISNER V. OSBORN, 55 ATL. 51 (N. J.).—*Held*, that the wages earned by an infant emancipated by his father, though living at home, are not subject to the claims of the father's creditors.

Absence of fraud must be shown. *Elfelt v. Hinch*, 5 Ore. 255. Living at home does not affect the infant's emancipation. *Wilson v. McMillan*, 62 Ga. 161; *Wood on Master and Servant*, p. 30. The authorities show much diversity of opinion on this point. Some courts hold that the wages may be